

Appl. No. 10/783,455

Amendment date: February 21, 2007

Reply to January 24, 2007 Notice of Non-Compliant Amendment (37 CFR 1.121)

Remarks/Arguments

This application is a divisional application of prior Application No. 09/526,195, filed March 15, 2000, which is a continuation-in-part of International Application No. PCT/US98/19656, filed on September 17, 1998, which claims the benefit under 35 U.S.C. § 119(e) of United States Provisional Application no, 60/059,684, filed on September 19, 1997 and United States Provisional Application no, 60/084,863, filed on May 8, 1998, the contents of all of which are hereby incorporated by reference.

Claims 1-63 are original claims. Claims 1-3, 7, 8, 19-21, 24-26, 29, 44-47, 61, 62 and 64 were prosecuted to allowance in the 09/526,195 parent application. Claims 1-8, 10-11, 15-40, 44-50, and 61-63 are cancelled by the instant amendment. After the instant amendment claims 9, 12-14, 41-43 and 51-60 are pending in the application. No new matter is added as a result of these amendments.

In order to facilitate prosecution of the present application, pending claims 9, 12-14, 41-43, and 51-56 are being amended to conform to amendments made during prosecution of the 09/526,195 parent application. Support for this amendment comes from original claims 4, 5, 6, 10, 11 and 12. In addition SEQ ID NO:s are being added to claims 9, 12, 14, 41, 43, 51, and 56. Support for the addition of SEQ ID NO:s comes from Figure 2.

In addition, the phrases "or vaccine" or "vaccine" or "a vaccine" or "a vaccine composition" are being deleted from claims 41-43, and 51-55 to conform to amendments made during prosecution of the parent case. Instead, the phrases "or vaccine", "vaccine", "a vaccine" or "a vaccine composition" are being

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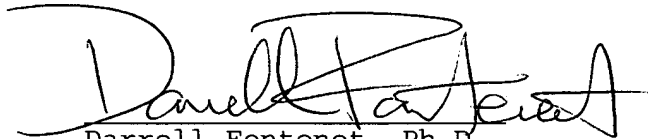
changed to "an immunogenic composition" in claims 41-43 and 51-55. Support for these amendments can be found throughout the specification, see for example page 3, line 27.

Applicant reserves the right to pursue original claims 15-18 from Group III of the restriction requirement set out in the parent prior Application No. 09/526,195, filed March 15, 2000.

Conclusion

It is therefore requested that Examiner consider the patentability of all of the above claims. In the event that any issues arise, the Examiner is requested to contact the undersigned attorney at 845-602-3144 to resolve them.

Respectfully submitted,

A handwritten signature in dark ink, appearing to read "Darrell Fontenot", is written over a horizontal line.

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